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FCC Mail Room

February 1, 2009

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20552

Re: **Nectar Services Corporation**
CPNI Compliance Certification
EB Docket No. 06-36

Dear Ms. Dortch:

On behalf of Nectar Services Corporation and pursuant to 47 C.F.R. § 64.2009(e), enclosed please find the company's 2008 CPNI Certification.

Very truly yours,


Joseph Fuccillo
Chief Technology Officer

Enclosure

cc: Enforcement Bureau Telecommunications Consumers Division
Best Copy and Printing, Inc. (via e-mail)

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CUSTOMER PROPRIETARY NETWORK INFORMATION

("CPNI") PROTECTION POLICY

Revised February 2009

Nectar Services Corp., its Affiliates and Subsidiaries
154 Toledo Street
Farmingdale, NY 11735

For More Information, please contact

Joseph Fuccillo
jfuccillo@jumacorp.com

Employees, contractors, agents, affiliates and partners of Nectar Services Corp., its affiliates and subsidiaries including sales and marketing agents, are obligated to protect the confidentiality of customer information. Customer information obtained by Nectar by virtue of its provision of interconnected Voice over Internet Protocol services may be considered Customer Proprietary Network Information ("CPNI"), and be subject to legal protection under Federal law and regulations. Nectar Services Corp. supports these laws and regulations, and requires that its employees, contractors, agents, affiliates and partners comply with the policy set forth in this document.

**CUSTOMER PROPRIETARY NETWORK INFORMATION (“CPNI”)
PROTECTION POLICY
Dated February 2009**

Nectar Services Corp.

Employees, contractors, agents (including sales & marketing agents), partners, affiliates and subsidiaries of Nectar Services Corp. (“Nectar”) are obligated by law and contract to protect the confidentiality of customer information. In particular, customer information obtained by Nectar by virtue of its provision of interconnected Voice over Internet Protocol (“IVP”) services may be considered Customer Proprietary Network Information (“CPNI”), and subject to legal protection under Federal and State law and regulations. Nectar supports these laws and regulations, and requires that its employees, contractors, agents, affiliates and partners comply with the policy set forth herein.

1. WHAT IS CPNI?

CPNI is defined by Federal law and includes most information we collect about a customer because of their purchase of IVP services from us; this includes:

- Information about the *types* of service a customer buys, such as the technical configuration, destination and location of services a customer purchases from Nectar. This may include design layout reports, service addresses, originating and terminating locations, circuit speed and capacity, etc.
- Information about the *amount* of service a customer purchases from Nectar. For example, this may include the size of the monthly bill, the number of lines, circuits, calls, minutes, or the amount of equipment, subscribed to by the customer.
- Information about a customer’s *usage* of services, including numbers called, calls received, time, location, or duration of any calls, and optional features utilized. This is also referred to as *call detail information* and is subject to additional protections beyond other forms of CPNI as described further in this policy.
- Information contained in a bill sent to the customer by Nectar.

CPNI does *not* include:

- Information that was *not* obtained by Nectar by virtue of its IVP-customer relationship with the customer. For example, market information that the company may purchase from an outside source that happens to include data concerning one of Nectar’s customers is not CPNI.

- Subscriber List Information, which is defined as the name, address, telephone number and classification (e.g., business vs. residential) of a Nectar subscriber. *Please note, however, that although such information may not be CPNI, Nectar often has confidentiality terms in place with customers that may prohibit disclosure of certain terms regarding -- and perhaps even the existence of -- a customer relationship.* So even if certain information about a customer is not CPNI, Nectar employees, contractors, agents, and partners must be careful in using and disclosing any information relating to a customer.

2. WHAT RESTRICTIONS APPLY TO USE OF CPNI?

How may CPNI be used without notice and/or the customer's approval?

- CPNI may always be used to "provide" the IVP service that the customer has purchased (including service activation, customer service, and repair), or to provide services necessary to, or used in, the provision of such IVP services.
- Nectar may use CPNI to bill and collect for services rendered, and to protect the company's rights and property (including fraud control).
- Aggregate Customer Information -- meaning collective data relating to a group or category of services or customers but from which individual customer identities and characteristics have been removed -- may be used without restriction.
- CPNI may be used for marketing Nectar's services *within the category of services to which the customer already subscribes*. Federal law generally recognizes three (3) categories of telecom or IVP services: (1) local, (2) long distance and (3) CMRS (mobile wireless) service.
- Subject to authenticating the customer as discussed in Section 4 below, CPNI may be used to assist with any inbound telemarketing or administrative service for the duration of the customer's call, if the customer has approved and such approval can be obtained during the call.
- CPNI may also be used to provide customer information required by a Public Safety Answering Point (PSAP), i.e., emergency call takers.

How may CPNI be used with the customer's approval?

- Nectar does not currently use CPNI to engage in any marketing-related activities. But if the Company should do so in the future, Nectar will comply with the appropriate "opt-in" or "opt-out" procedures depending on the type of marketing campaign.

- *With “Opt Out” Approval* -- If the customer has received notice and has given approval by the “*opt out*” procedure described in Section 3 below, CPNI (i) may be used to market Nectar’s Communications-Related Services (as defined below) and/or (ii) may be disclosed to Nectar’s agents, i.e., those third parties that have entered into a **legal agency** relationship with the company, or affiliates that provide Communications-Related Services..
- *With “Opt In” Approval* -- Only if the customer’s consent has been obtained by the “*opt in*” procedure described in Section 3 below, CPNI (i) may then be disclosed to *unrelated* third parties and/or (ii) may then be used by Nectar itself for marketing of non-Communications-Related Services.
- “Communications-Related Services” are defined under federal law as telecommunications services, information/enhanced services typically provided by telecommunications carriers or IVPs (e.g., Internet access), and services related to the provision and maintenance of customer premises equipment.

When is the company required to disclose CPNI?

- Nectar must provide CPNI to any person designated by the customer, upon receipt of an affirmative *written* request from the customer. In general, the company cannot encourage a customer to freeze third-party access to CPNI.
- When required by law. If you believe such a requirement exists, you must notify the Nectar legal department immediately. Contact our General Counsel, Marshall W. Rosenthal [mrosenthal@jumatechnology.com, 631-270-1110] or our CFO, Anthony Fernandez [afernandez@jumatechnology.com, 631-270-1102] regarding these requests.

3. HOW DOES Nectar OBTAIN APPROVAL FROM A CUSTOMER TO USE CPNI?

Opt-in—Nectar currently shares opportunities on a limited number of customers or prospects with its parent company. For these customers, Nectar obtains from the customer affirmative, express consent in writing allowing Nectar to access the relevant customers’ CPNI and share such CPNI with affiliated companies. Although not required under the rule, Nectar has elected to obtain opt-in consent from these customers and prospects. Such opt-in is obtained as a matter of course by the account executive prior to the joint engagement.

Opt Out – Note that Nectar does not currently use CPNI to market to customers except in the limited cases noted above. Should Nectar begin to engage in such efforts and should Nectar use opt-out consent, than the following procedures will apply.

- *Written Notices:* The “opt out” approval method requires that the customer receive an individual notice (by written or electronic means) that Nectar intends to use the customer’s CPNI. Such notices must be sent by the company 30 days before the customer’s approval to use CPNI is inferred (33 days for notices sent by mail). If the customer communicates to Nectar that use of the CPNI is not approved, the company will honor that customer’s decision to “opt out.” In limited cases, oral approvals may be allowed, as described below in the section entitled *Special Requirements Applicable to One-Time Oral Notices to Customers*.
- Nectar has not determined how it will notify customers of their ability to opt-out. If the company elects to send opt out notices by e-mail, the customer must previously have agreed to receive e-mails regarding their account. The subject line of the e-mail must clearly and accurately identify the topic, and the customer must have the option of replying directly to the e-mail. If the e-mail is returned as undeliverable, Nectar may be not use the customer’s CPNI until the required notice is given by another means. The customer must be able to opt out at no cost and be able notify the company of his or her decision. The customer must receive detailed instructions as to how to change their opt-out election.
- Opt out approval must be refreshed every two years by sending a new notice, with a new 30 or 33 day waiting period for approval.

4. Notice Requirements Applicable to Opt Out Method of Approval

- Nectar will develop the necessary notice language if and when the company chooses to use CPNI to market to customers. The language will meet the FCC requirement that notices to customers must be clearly written, legible, and provide sufficient information to enable the customer to make an informed decision to allow or deny use of CPNI.

5. Special Requirements Applicable to One-Time Oral Notices to Customers

- In general, one-time oral notices are appropriate when the company has made a one-time inbound or outbound telephone contact with the customer and access to CPNI is useful to analyze the customer’s existing service. In such cases, Nectar may use oral notices to obtain limited, one time use of CPNI only for the duration of the call, irrespective of whether the company uses opt-out or opt-in approval with respect to that customer. When using the one time oral notice method, the customer must be advised in a manner that allows the customer to make an informed decision to allow or deny the use of CPNI. Notation should be made in the customer’s record of any one-time oral notice to the customer and the customer’s acceptance or rejection of one-time use of CPNI.

6. WHEN MUST A CUSTOMER BE AUTHENTICATED?

A. Authentication for Non-Call Detail CPNI

A customer must be authenticated *when the customer initiates a call to Nectar and asks for CPNI* in the context of that telephone call. Generally speaking, ***no Nectar employee, contractor, agent, or third party partner*** other than (i) a customer's account manager, (ii) an accounts receivable representative (in the context of resolving a billing question), or (iii) a network operations center technician (in the context of resolving a trouble report) ***should ever provide CPNI to any customer in the context of an inbound telephone call.*** Except as discussed below for certain employees, inbound calls from customers asking for CPNI should be referred to the Nectar Customer Service organization at **(888)-811-8647** for proper authentication. For those limited employees who may be permitted to disclose CPNI to customers, further discussion is provided below of how callers should be authenticated *before any CPNI is disclosed.*

Nectar will not share CPNI with customers on customer-initiated calls without authenticating the customer first. In the case of CPNI ***other than call detail information,*** this authentication should involve confirming that either (i) the customer already has substantial knowledge about the account (e.g., account numbers, passwords (if applicable), the type of existing services provided by Nectar to the customer, the fact that an outage or service trouble may exist with respect to a particular service and is being reported by the customer) or (ii) is otherwise already known to the Nectar employee as a representative of the customer (e.g., a customer's vendor relations manager or a customer's service technician who has called previously to report service troubles).

B. Authentication for Disclosing Call Detail CPNI

With respect to ***call detail information CPNI*** in particular, if ***any*** customer requests to obtain such usage information on an inbound call -- such as numbers called, calls received, time, location, or duration of any calls, and optional features utilized -- no such information may be given to the calling customer. Instead, ***all such calls must be referred to the Nectar Customer Service organization*** at **(888) 811-8647** for proper authentication. There are only two exceptions. The first exception to this rule is where a business customer's *dedicated account manager* has *directly, i.e., the call must not have come through a call center,* received an inbound call from a representative of that customer, the dedicated account manager has confirmed that such representative is authorized to receive call detail information on behalf of the customer, and the contract between Nectar and the customer specifically addresses the handling of CPNI. The second is where a customer is experiencing a service issue and cannot be called back at the phone number of record. Nectar will not release information in a customer initiated inbound call EXCEPT in the case where the customer is out of service or experiencing a service affecting issue and cannot be called back at either the main number listed on the record or the billing contact number listed on the record. In these cases, Nectar will take one of the following courses of action to authenticate the identity of the client:

1. Request that the caller log in to the *my.nectarvoip.com* website and open call history for the day and have the customer confirm the summary call information for the day and the total # of lines assigned to the account.
2. Request that the caller log-in to the *my.nectarvoip.com* site or look in their AR file and provide the total amount of their last invoice and confirm the total amount as well as the total minutes billed for the month.
3. In the event that the caller is unable to login to the *my.nectarvoip.com* site and does not have access to their last bill, ask them to confirm how many locations are assigned to the account and what they have named them. Then, ask them to confirm either the IP address or Authentication password they have assigned to one of the locations.
4. Request that the customer e-mail the *my.nectarvoip.com* site with their request from either the *billing or main e-mail address specified on the main customer record*. The customer should provide a call-back number.

The agent should note the date, time, customer name and the method of Authentication used in the customer notes on the account record.

In the event that none of these authentication methods is successful, the agent may still assist the caller, but may not disclose any CPNI or Call Detail information. This includes capacity information, DID information, and call detail information among other things (refer to Section I for a complete definition of CPNI). The agent will collect as much information as possible about the problem and attempt to assist without revealing any further information to the client.

To be clear, however, nothing prevents a Nectar employee from discussing call detail information with a customer *where the customer provides that information and the conversation is limited to such customer-provided call detail information*.

7. WHAT AUTHORIZATION IS REQUIRED TO USE CPNI IN OUTBOUND MARKETING EFFORTS?

- Nectar does not use CPNI to market its services except in limited circumstances. Nectar tracks those limited customers for which it uses CPNI to market services. Employees, contractors, agents, affiliates and partners of the company, including sales and marketing agents, are obligated to reference the system tracking customers who have opted-out before using, disclosing or permitting access to customers' CPNI.
- Employees, contractors, agents, affiliates and partners of Nectar, including sales and marketing agents, are prohibited from using, disclosing or permitting access to CPNI of any customer who is identified as having "opted out" from the use of CPNI. Disciplinary action up to and including dismissal may result from violation of this prohibition.

- At the time such a system is put into place, Nectar will appoint an employee to monitor the accuracy of the customer approval database.

8. CONFIDENTIALITY AGREEMENTS WITH CONTRACTORS AND JOINT VENTURERS

Nectar may share CPNI with a third party partner, contractor or agent only after that person or entity has entered into a confidentiality agreement with the company. The confidentiality agreement must include the following:

- Require that the partner, contractor or agent use the CPNI only for the purpose of providing the Communications-Related Services for which it was provided;
- Disallow the partner, contractor or agent from using, allowing access to or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; *and*
- Require that the partner, contractor or agent have appropriate protections in place to ensure the ongoing confidentiality of the customer's CPNI.
- Require the partner, contractor or agent to inform Nectar immediately of any breaches whereby Nectar's customers' CPNI was compromised for any reason.
- Operations Administers all confidentiality agreements. If you have any questions regarding the existence of -- or the need for -- a confidentiality agreement, please contact the Nectar legal department [afernandez@jumatechnology.com, 631-270-1102] or [mrosenthal@jumatechnology.com 631-270-1110].

9. WHAT INFORMATION CAN BE USED IN RETENTION AND WIN-BACK EFFORTS?

Use in Retention Efforts (Prior to Customer Leaving)

- If Nectar learns by receipt of an order from another provider to switch the customer, or another carrier's change request, that a customer plans to switch from Nectar to another provider, Nectar prohibits its employees, agents, contractors or affiliates from using that specific information to attempt to dissuade the subscriber from leaving. For example; if a customer is porting telephone numbers on a circuit to another carrier, Nectar may not attempt to dissuade the customer from porting those telephone numbers. However, Nectar may contact the customer regarding any other services on the account to ensure the customer is satisfied or to attempt to renew or upgrade services not covered by the above prohibition.

- It is specifically prohibited to access call records for the purpose of identifying customers who may have called or been called by any of our competitors.
- Subject to this policy statement on use of CPNI, if the company learns that a customer is switching to another carrier through an independent source (e.g., from a communication received directly from the customer), CPNI may be used to persuade the customer to stay. All notice and consent requirements must be observed.

Use in Win-Back Efforts (After Customer Has Left)

- Currently, Nectar does not engage in customer “win-back” efforts. But subject to this policy on use of CPNI and if Nectar engages in such campaigns in the future, Nectar will encourage marketing campaigns to win back former customers that have switched to other providers. If CPNI is used as part of a “win-back” campaign, all notice and consent requirements must be observed.

10. TRAINING, REPORTING, NOTIFICATION REGARDING ACCOUNT CHANGES AND RECORD KEEPING

Training Requirements

- Nectar provides a means for all its employees, contractors, agents, affiliates and partners of the company to receive training in the proper uses of CPNI, including a familiarity with this policy statement. *Please note that training and understanding with respect to proper use and protection of CPNI is critical, as failures to comply with any part of this policy may result in disciplinary action.* Anyone who has not received the required training should contact Fran Vinci, Executive Vice President. [fran@jumatechnology.com, 631-445-9907]

Reporting Requirements

- Nectar is subject to strict reporting obligations under Federal law in connection with maintenance, use, disclosure, and breach of CPNI. *If you are aware of any malfunctions, discrepancies, or other concerns with respect to any of the policies detailed herein, or if you become aware of any unauthorized disclosure of CPNI or breach of any database containing any CPNI, you must immediately report such information upon discovery to Fran Vinci, Executive Vice President [fran@jumatechnology.com, 631-445-9907].*

Notification of Account Changes

- In the event that a customer’s password, if any, back-up means of authentication for lost or forgotten passwords, if any, online account or address of record is created or changed, Nectar will provide notice to that customer immediately by contacting the customer at their address of record or telephone number of record. This notification will

not reveal the changed information or be provided to the customer at the changed address or telephone number. This notification is not required when a customer initiates services, including selection of a password at service initiation.

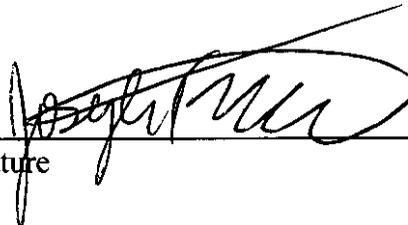
Record-Keeping Requirements

- Nectar must maintain all records of customer approvals with respect to CPNI for a minimum of one year. As Nectar is not currently using CPNI for marketing campaigns, there is no such system in place.
- Nectar must maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI if the company chooses to allow such parties to access CPNI and to use CPNI for marketing purposes.
- Nectar must maintain a record for a minimum of one year of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI if the company decides to use CPNI for marketing purposes. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign
- Nectar must maintain a record for a minimum of one year of its supervisory review process associated with any outbound marketing campaigns that use its customers' CPNI.

ACKNOWLEDGMENT

I hereby acknowledge receipt of a copy of the Customer Proprietary Network Information Protection Policy of Nectar Services Corp., its affiliates and its subsidiaries revised February 2009 (the "Policy"), and that I have read and understand the Policy.

2/10/09
Date


Signature

Joseph Fuccillo CTO
Printed Name and Title

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2008

Date filed: February 1, 2009

Name of company covered by this certification: Nectar Services Corp.

Form 499 Filer ID: **826015**

Name of signatory: Joseph Fuccillo

Title of signatory: Chief Technology Officer

I, Joseph Fuccillo, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 et seq.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 et seq. of the Commission's rules.

The company has not taken any actions against data brokers in the past year nor have any pretexters attempted to access CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Signed: _____



Joseph Fuccillo
Chief Technology Officer
Nectar Services Corp.

CERTIFICATION OF CPNI FILING
FEBRUARY 1, 2009
EB Docket No. 06-36; EB-06-TC-060

Statement of CPNI Procedures and Compliance

Nectar Services Corp. ("Nectar") does not use or permit access to CPNI to market any services outside of the "total services approach," as specified in 47 CFR §64.2005, except in limited circumstances. For those customers whose CPNI is used for marketing purposes, Nectar provides notices explaining the customers' CPNI rights in accordance with the Commission's CPNI Rules, including their right to restrict the use and disclosure of and access to their CPNI. Nectar obtains approval from these customers to use CPNI for marketing purposes. These customers have the ability to change or rescind their consent regarding the company's use of their CPNI at any time. Nectar maintains records of customer approval and the delivery of its CPNI notices for at least one year. Nectar maintains a record for at least one year of its own and affiliates' sales and marketing campaigns that use customers' CPNI.

Consistent with the Commission's rules, Nectar uses, discloses, and permits access to CPNI without customer approval for the purposes of: (1) billing and collecting for services rendered; (2) protecting the rights and property of Nectar, other users, and other carriers from unlawful use; (3) providing inside wiring, installation, maintenance, and repair services; and (4) providing or marketing services that are within the same class of services to which the customer already subscribes.

In accordance with the CPNI rules, upon obtaining a customer's oral authorization, customer service representatives of Nectar may access a customer's CPNI during the course of an inbound or outbound telephone conversation, solely for the duration of that conversation. Each such Nectar representative must provide the disclosures required by 64.2008(c) of the CPNI rules including informing customers of their right to deny access to the CPNI before requesting this one-time consent.

Nectar has implemented procedures whereby it will not provide CPNI without proper customer authentication. In order to authenticate a customer's identity prior to disclosing CPNI, Nectar uses a variety of methods consistent with the Commission's rules. Nectar does not provide call detail records over the phone unless the customer qualifies for the "business customer exemption" or if the customer is without service. For those customers without service, Nectar will not provide access to call detail information unless the customer can be authenticated without relying on account information or readily available biographical information. Otherwise, call detail records are provided via e-mail or U.S. mail, to the postal or electronic address of record. Nectar has implemented procedures to inform customers of change of address, e-mail and other changes to account information in a manner that conforms with the relevant rules.

With respect to any online access that customers may have to CPNI, Nectar employs password protection measures (and backup/reset processes) that do not rely upon readily available biographical information or account information. Where any changes are requested or created by a customer with respect to account information such as address of record or online password access, Nectar sends notification of such changes to the prior contact of record.

Nectar has implemented procedures to provide law enforcement with notice should a breach of CPNI occur. After notifying law enforcement and unless directed otherwise, Nectar will notify affected customers. Nectar will maintain a record of any CPNI-related breaches for a period of at least two years.

All Nectar employees who have access to CPNI receive training about CPNI compliance. Specifically, all new employees are provided with CPNI training at new-hire orientation. Moreover, a summary of Nectar's CPNI policies are included in its Employee Handbook, and all employees are required to acknowledge in writing that they have read and understand the information in the Employee Handbook. All Nectar employees are required to maintain the confidentiality of all information, including customer information that is obtained as a result of their employment by Nectar. Employees who do not abide by these policies or otherwise permit the unauthorized use or disclosure of CPNI will be subject to discipline, including possible termination.

**OPT-IN CONSENT AND FOR USE OF
CUSTOMER PROPRIETARY NETWORK INFORMATION**

Sharing and Use of Customer Proprietary Network Information ("CPNI") by Nectar Services Corp. ("Nectar") with Third Parties: Nectar is committed to protecting the confidentiality of Customer's telecommunications service information, and has the duty to do so under Federal law. Federal law gives Customer a right to protection of all information pertaining to the services received from Nectar, such as how many circuits are used, the types of lines used, technical characteristics of the service, classes of service, and related billing information, such as the dates, times, and duration of calls and the telephone numbers called (referred to collectively as "Customer Proprietary Network Information" or "CPNI"). From time to time, Nectar and the third parties with which it works may have the opportunity to offer communications-related products and services that will better meet Customer's needs by using information about the services already being purchased from Nectar. Use of service-related information for this purpose may enhance Nectar's ability to make Customer aware of new or alternative products and services that are tailored to Customer's needs. Nectar may also use CPNI for purposes of making customer aware of new software, hardware or customer premises equipment. Customer's decision to restrict Nectar's use of CPNI is free of charge and will not affect the service received from Nectar. If Customer does not want to allow Nectar to share Customer's CPNI with affiliates or third parties for the purposes of marketing communications-related services as well as other product and service offerings, please strike this section. Otherwise, by signing this opt-in consent, Customer expressly consents to allow Nectar, its affiliates, agents and third parties to use CPNI as described in this paragraph. Customer's election to allow Nectar and third parties to use CPNI as described in this paragraph will remain in effect until such time as Customer affirmatively changes this election. Customer has the right to change this election at anytime and can do so by calling the Customer Service Manager [631-777-6709].

Customer Signature

Date

2-10-09